

June 24, 2021

BY ECF AND ELECTRONIC MAIL

Hon. Katharine Polk Failla
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Kristi Vuksanovich, et ano. v. Airbus Americas, Inc., et al.*,
1:21-cv-03454-KPF

Dear Judge Failla:

The undersigned represent the defendants Airbus Americas, Inc. and Airbus S.A.S. (collectively, “Defendants”) in the above-referenced action. Pursuant to Rule 3.C. of this Court’s Individual Rules of Practice in Civil Cases, we write on consent of plaintiffs Kristi and Mark Vuksanovich (“Plaintiffs”) to jointly request an adjournment of the initial Scheduling Conference currently scheduled for June 29, 2021 to thirty (30) days following the resolution of Defendants’ anticipated motion to dismiss Plaintiffs’ forthcoming second amended complaint. The grounds for the request are as follows:

This case was initially filed in the United States District Court for the Eastern Division of Massachusetts and, therefore, the complaint contains allegations pertaining to jurisdiction in Massachusetts. Given that the case has been transferred to this Court, Plaintiffs intend to amend their complaint to comport with the filing requirements of the S.D.N.Y. and without adding new claims. Defendants consent to this second amendment and anticipate filing a motion to dismiss the amended complaint. The parties believe that it would be more efficient to conduct a Rule 26(f) conference and propose a schedule for discovery once the scope of the claims and defenses remaining for litigation, if any, has been determined.

Additionally, the parties need additional time to appear in the case. Airbus S.A.S. has waived service and its deadline to answer, move, or otherwise appear is currently July 9, 2021. An adjournment of the initial Scheduling Conference would also afford Plaintiffs’ attorneys time to file Motions for Admission Pro Hac Vice and a Notice of Appearance for local counsel. Defendants have indicated that they do not object to counsel’s motions for admission *pro hac vice*.

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Accordingly, the parties jointly request that the Scheduling Conference be postponed until thirty (30) days after an order is entered on Defendants' anticipated motion to dismiss. The parties also jointly request that the Court enter the following preliminary scheduling order:

- Plaintiffs' Counsel shall file Motions for Admission, Pro Hac Vice and an Amended Complaint no later than July 11, 2021;
- Defendants that have been properly served shall either respond or file a premotion letter for their anticipated motion to dismiss by August 12, 2021;
- The parties shall confer and submit a Joint Scheduling Order for discovery within thirty days after an order is issued on the motion to dismiss, if necessary.

All parties appreciate the Court's consideration of this matter.

Respectfully submitted by:

/s/ Margaret A. Rogers

Attorneys for Defendant Airbus Americas,
Inc.

Plaintiff shall file an amended complaint on or by July 11, 2021. Defendants shall answer or otherwise respond to the amended complaint on or by August 12, 2021. The initial pretrial conference scheduled for June 29, 2021, is hereby ADJOURNED *sine die*.

Dated: June 24, 2021
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE